

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF PENNSYLVANIA

In re

TIMOTHY DOUGLAS HAYES,

Debtor.

Case No. 16-bk-11983-REF

Chapter Number: 7

315 BOWERY HOLDINGS, LLC and  
CBGB FESTIVAL, LLC

Plaintiffs,

v.

TIMOTHY HAYES,

Defendant.

Adversary No. 16-186

**STATUS REPORT**

Pursuant to the Court's December 23, 2016 Order in this Adversary Proceeding (Adv. Dkt. No. 33), by which the Court stayed the Nondischargeability Action pending a final determination and judgment in the New York state court action *SW Productions, Inc. v. CBGB Festival, LLC*, No. 652990/2014 (Sup. Ct. N.Y. County 2014) (the "New York Action"), Plaintiffs 315 Bowery Holdings, LLC and CBGB Festival, LLC (together, "CBGB"), through their undersigned counsel, hereby submit this Status Report outlining the status of the New York Action since the parties' last report.

1. Upon the departure of Justice Oing, who was appointed to the New York Appellate Division, First Department, the case has been reassigned to Justice Andrea Masley.
2. The stipulated stay of discovery in the New York Action expired on July 17, 2017 and discovery has since resumed.
3. On August 9, 2017, the Court issued an order directing that depositions of all parties are to be completed by November 17, 2017 and extending the date for the completion of all disclosure to January 19, 2018. (*See New York Action*, Dkt. No. 244.)

4. A motion seeking to amend CBGB's Second Amended Answer and Counterclaims to add an additional third-party defendant, filed on September 8, 2017 (*see* New York Action, Dkt. No. 246), will be fully briefed by October 17, 2017; and an Order to Show Cause seeking discovery sanctions against Plaintiff SW Productions, Inc., filed on September 29, 2017 (*see* New York Action, Dkt. No. 254), is currently *sub judice*.

5. CBGB intends to make a motion before this Bankruptcy Court to lift the stay of this Nondischargeability Action for the limited purpose of conducting the deposition of Timothy Hayes in both the New York and in this Nondischargeability Action.

Respectfully Submitted: October 12, 2017

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